IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1593 of 2007(M)

AGAINST THE ORDER IN IA.1397/05 IN
OS.300/2003 of MUNSIFF COURT, KOTTARAKKARA

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PETITIONER:

JANAKY RADHA,
CHARUVILA PUTHEN VEEDU, WARD NO.IV,
CHITTARA VILLAGE, KOTTARAKKARA TALUK.

BY ADV. SRI.V.M.KURIAN
SRI.MATHEW B. KURIAN
SRI.K.T.THOMAS
SMT.TULASI PANICKER

RESPONDENTS:

KESAVAN THULASI,
THOTTINKARA MARUTHIMOODU VEEDU, WARD NO.IV,
CHITTARA VILLAGE, KOTTARAKKARA TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.1593 OF 2007

DATED THIS THE 16th DAY OF JANUARY, 2007

JUDGMENT

Petitioner is plaintiff and respondent, the defendant in O.S.300/03 on the file of Munsiff Court, Kottarakkara. When the suit was pending, an order of temporary injunction was granted in favour of petitioner. Contending that respondent violated the order of temporary injunction, petitioner filed Ext.P1 I.A.1397/05 under Order XXXIX Rule 2A of Code of Civil Procedure. The suit was subsequently decreed. This petition is filed under Article 227 of Constitution of India, for a direction to learned Munsiff to dispose Ext.P1 application.

When the suit was disposed by learned Munsiff, Ext.P1 application filed under Order XXXIX Rule 2A of the Code also should have been disposed, though it has to be separately dealt with. As it is represented that Ext.P1 application is still pending before learned Munsiff, Munsiff, Kottarakara is directed to dispose Ext.P1 application expeditiously.

M.SASIDHARAN NAMBIAR,JUDGE

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